



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,830	12/06/2000	Hui-Wen Wen	4425-092	5659

7590 10/07/2003

Benjamin J. Hauptman
LOWE HAUPTMAN GILMAN & BERNER
1700 Diagonal Road
Suite 310
Alexandria, VA 22314

EXAMINER

SHERRILL, JASON L

ART UNIT	PAPER NUMBER
----------	--------------

2622

DATE MAILED: 10/07/2003

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,830

Applicant(s)

WEN, HUI-WEN

Examiner

Jason L Sherrill

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-5, 9-11, 15, 19 and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Camara et al. (U.S. Patent No. 6,373,507).

For claims 1 and 9, Camara discloses a system for a scanner executing scanning comprising: a virtual hardware module for receiving and transferring a plurality of commands from the computer (114, Fig. 4), the virtual hardware module corresponding to the scanner and displayed as a virtual storage device icon in an operating system of the computer (col. 4, lines 46-52); and a scanner control module communicating with the virtual hardware module and the scanner via the computer (74 & 76, Fig. 2; col. 3, line 66 – col. 4, line 16), the scanner control

Art Unit: 2622

module for controlling the commands from the virtual hardware module and transferring the commands to the scanner to execute the commands (col. 4, lines 8-16).

For claim 2, Camara discloses a storage module and a plurality of application programs (46, Fig. 1), the virtual hardware module, and the scanner control module therein (col. 2, line 62 – col. 3, line 59); an input module for selecting the virtual hardware module and inputting the commands (col. 5, lines 12-30); an output module for displaying the virtual hardware module (48, Fig. 4; col. 2, lines 57-61); and a control module communicating with the scanner for coordinating the storage module, input module and output module (60, Fig. 1; col. 3, lines 47-55).

For claim 3, Camara discloses a virtual storage device displayed on the electrical apparatus (48, Fig. 4; col. 2, lines 57-61).

For claim 4 and 10, Camara discloses the virtual storage device comprises a virtual hard disk icon (114, Fig. 4; col. 4, lines 46-53).

For claims 5 and 11, Camara discloses a virtual hardware module further comprising a scanner object displayed in the operating system and the scanner object is for receiving commands from the computer (120, Fig. 5, col. 5, lines 5-20).

For claim 15, Camara discloses a method for a scanner executing scanning comprising: displaying a virtual hardware icon in a computer (114, Fig. 4; col. 4, lines 46-53); selecting the virtual hardware icon for commanding a command of executing scanning (col. 4, line 65 – col. 5, line 61); executing scanning by the scanner according to the command (col. 5, lines 12-39); and saving scanned data (138, Fig. 5; col. 5, lines 62-67).

Art Unit: 2622

For claim 19 Camara discloses the virtual hardware icon comprises a virtual hard disk icon displayed in the operating system of the computer (114, Fig. 4; col. 4, lines 46-53).

For claim 20, Camara discloses a scanner communication with the computer through a connecting network (col. 2, lines 37-44).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 6-8, 12-14 and 16-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Camara ('507').

For claims 6-8 and 12-14, Camara fails to directly teach that the commands comprise opening the virtual hardware module for a command of executing scanning or setting a storage location by double clicking or by dragging and dropping. However, Camara discloses opening the virtual hardware module for a command of executing scanning or setting a storage location by use of a mouse inputting device (col. 5, lines 13-39). It is well known and would have been obvious to one of ordinary skill in the art at the time the invention was made to consider that "double clicking" or "dragging and dropping" a mouse device to input commands is common in the art. Therefore claims 6-8, 12-14, and 16-18 are rejected.

Art Unit: 2622

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


a. Embry et al. (U.S. Patent No. 6,094,689) discloses a system for coupling a host computer to an image scanner.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason L Sherrill whose telephone number is 703-306-4053. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Coles can be reached on 703-305-4712. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

JLS
September 30, 2003


EDWARD COLES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 200